

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 198 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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COMMISSIONER OF INCOME-TAX

Versus

D. CHANDRAKANT & BROTHERS

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Appearance:

MR MANISH R BHATT for Petitioner  
SERVED BY RPAD - (N) for Respondent No. 1

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CORAM : MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE M.C.PATEL

Date of decision: 30/07/98

ORAL JUDGEMENT

The following question is referred for opinion of  
this Court:

"Whether, the Tribunal was right in law and on  
facts in confirming the order of the CIT(A)

directing the ITO not to deduct the subsidy amount received from the Government from the cost of the assets for purposes of granting depreciation and investment allowance."

The learned Counsel for the revenue stated that the question is concluded by decision of the Hon'ble Supreme Court in COMMISSIONER OF INCOME-TAX v. P.J. CHEMICALS LTD., 210 ITR, 830 in which a similar question arose for consideration and it was decided in favour of assessee and against the revenue. Accordingly, the question is answered in the affirmatiied, i.e. in favour of the assessee and against the revenue. Reference is accordingly disposed of. No order as to costs.

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